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REMARKS

Claims 1-22 are pending.

Claims 3, 11, 18 and 21 have been amended to correct minor clerical informalities.

The Examiner has rejected pending claims 1, 5, 9, 15-17, 21 and 22, (and particularly independent claims 1, 15, 21 and 22) under 35 USC 102 as being clearly anticipated by US Patent No. 6,202,082 to Tomizawa et al. (hereinafter "Tomizawa").

Claims 2-4, 6-8, 10-14, and 18-20 have been rejected under 35 USC 103 as obvious in view of Tomizawa and U.S. Patent No. 5,813,000 to Furlani (hereinafter "Furlani"). The Applicant respectfully disagrees.

In order to anticipate a claim, "The identical invention must be shown in as complete detail as is contained in the ... claim." see *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) and M.P.E.P. §2132. Here the Examiner appears to rely on column 4 lines 6-25 of Tomizawa, alleging these portions of Tomizawa disclose several claim elements.

Column 4, lines 6-25 of Tomizawa read,

Each of at least some of the plurality of nodes preferably has a distributed path setup means which sets up paths prior to transmission of an information signal by using a control channel to exchange control signals with other nodes. In this case, the distributed path setup means selects a route, in accordance with the required service class, from among the plurality of routes which can connect the source and destination nodes, and then sets up a path along the selected route. Path setup methods can be broadly divided into two types. In the first type, a node which wishes to transmit data takes itself as the source node and provisionally determines routes on the basis of network configuration information given in a manual. It then

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secures bandwidth by sending a control signal to all the nodes on the route up to the target receiving node. In the second type of path setup method, a source node uses a token protocol to send a packet to a destination node, and any intermediate nodes place a stamp in the packet indicative of whether or not the required bandwidth can be secured. This procedure enables the route to be determined and the necessary bandwidth to be secured.

As claimed in claim 1, however, a method of establishing a subsequent path across a network to be used to transport traffic carried along an initial path in the event of failure or signal degradation on the initial path, includes receiving a digest representative of resources used along the initial path where each of the resources on the initial path is known by at least one node on the initial path. The subsequent path is established using this digest so that the subsequent path may use resources distinct from the resources used along the initial path.

Likewise, claim 21 similarly claims a communications node operable to use a digest representative of resources used along an initial path in establishing a subsequent path so that said subsequent path may be established using resources distinct from said resources used along said initial path.

A review of Tomizawa, and in particular column 4 lines 6-25 of Tomizawa, does not reveal any suggestion of the use of a digest representative of resources used along an initial path in order to establish a subsequent path, so that the subsequent path may be use resources distinct from those of the initial path. As such, it is not clear how Tomizawa can possibly anticipate the invention as claimed in independent claim 1 or 21, nor in combination with any other reference can render dependent 2- 14 claims obvious.

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As claimed in claim 15 and 22, a network node along a path, is operable to pass an Indicator of resources used along said path, known to the network node to an adjacent node on said path. At best the cited portion of Tomizawa discloses use of packet to signal if bandwidth along a path is available: "intermediate nodes place a stamp in the packet indicative of whether or not the required bandwidth can be secured." This stamp, thus, is an indicator of whether or not bandwidth is available, and not an indicator of resources used along the path. Thus, Tomizawa also fails to disclose all elements of claims 15 or 22, and cannot anticipate these claims.

Furlani relied on by the Examiner in rejecting the remaining claims as obvious under 35 USC 103 merely discloses a B-Tree Structure and Method that relies on a Bloom filter. Furlani similarly does not disclose nor suggest use of a digest representative of resources used along an initial path that may be used in establishing a subsequent path, and thus in combination with Tomizawa cannot render the remaining claims obvious.

Withdrawal of the rejection of independent claims 1, 15, 21 and 22 under 35 USC 102, in view of Tomizawa is therefore respectfully requested. Similarly, withdrawal of the rejection of claims 2-14, 16-20 under 35 USC 102/103 in view of Tomizawa or Tomizawa and Furlani is requested.

No new matter has been added by this amendment.

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In view of the forgoing it is believed that the above noted application is now in condition for allowance. Favourable reconsideration and allowance are earnestly solicited.

Respectfully submitted,



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